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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/533,215 03/23/00 MANFRE

G 33471/GM/VP

EXAMINER

MM91/1017

MODIANO JOSIF PISANTY & STAUB  
VIA MERAVIGLI 16  
30123 MILANO  
ITALY

SHAFFER, R

ART UNIT

PAPER NUMBER

2872

DATE MAILED:

10/17/00

AIR MAIL

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

09/533,215

Applicant(s)

MANFRE ET AL

Examiner

R.D. SHAVER

Group Art Unit

2872

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 months MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 3/23/00
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-9 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-9 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2872

1. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 9, line 2, the use of the language "particularly for vehicles" is vague, indefinite and fails to particularly point out and distinctly claim the metes and bounds of the claim. Note In re Hammack, 166 USPQ 204 (CCPA 1970); In re Moore, 169 USPQ 236 (CCPA 1971) and Ex Parte Kristensen, 10 USPQ 2d 1701, 1703 (PTO Bd. Pat. App & Intr. 1989).

In claim 1, lines 6-7 and claim 9, line 7, "the vehicle" lacks proper antecedent basis.

In claims 1 and 9, "the reflected image" lacks proper antecedent basis.

In claims 1 and 9, the language "where R ... the design choice of M and E" is vague, indefinite and/or confusing. It is unclear to the examiner what three parameters of an optically known equation applicant is referring too.

In claim 2, line 1, the language "where it is monolithic" is vague, indefinite and/or confusing. It is unclear to the examiner what is monolithic.

In claim 8, lines 1-2, "said aspheric reflecting surface" lacks proper antecedent basis.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2872

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Altmann ('395).

To the extent the claims are definite, Altmann discloses a rear-view mirror comprising a monolithic plastic body having a flat surface (4, 4') and an opposite aspheric reflecting surface (7, 7'), note figures 2 and 3, wherein the aspheric shape of the reflecting surface is inherently/obviously generated by the rotation, about an axis parallel and/or perpendicular to a centerline axis of a vehicle on which the mirror is to be installed, of a curve which satisfies the equation recited by applicant due to the physical nature of the reflecting surface being convex.

As to the limitations of claims 3 and 4, the examiner is of the opinion that the monolithic body and reflecting surface of Altmann were inherently made by one of the techniques recited by applicant.

However, if this is not the case, it certainly would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the monolithic body and reflecting surface of Altmann to include one of the techniques recited by applicant due to the fact that such techniques are well known and commonly used and employed in the mirror art in order to alternatively make a monolithic body and/or reflecting surface.

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3. Claims 5 and 6<sup>7</sup> are rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann in view of common knowledge in the art.

Altmann discloses all of the subject matter claimed, note the above explanation, except for the reflective surface or the flat surface being electrically conducting.

It is well known to make a surface of a mirror element electrically conducting in the same field of endeavor for the purpose of heating and/or controlling the transmissivity and reflectivity of a mirror assembly.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the reflective and/or flat surface of Altmann to include typical electrically conducting means as is well known and commonly used and employed in the mirror art in order to heat and/or control the transmissivity and reflectivity of said rear view mirror.

4. Claims 1-4, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuld ('603) in view of Altmann ('395).

To the extent the claims are definite, Schuld discloses a rear view mirror comprising a monolithic plastic body (16) having a flat surface (18a) and an opposite convex reflecting surface (20a), wherein the convex surface satisfies the equation recited by applicant due to the physical nature of the reflecting surface being convex. Note fig. 2, except for explicitly stating that the convex reflecting surface is aspheric.

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Altmann teaches it is known to make a convex reflecting surface aspheric in the same field of endeavor for the purpose of reducing aberrations.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the convex reflecting surface of Schuld to include <sup>an</sup> aspheric convex reflecting surface as taught by Altmann in order to reduce aberrations.

As to the limitations of claims 3 and 4, the examiner is of the opinion that the monolithic body and reflecting surface of Schuld were inherently made by one of the techniques recited by applicant.

However, if this is not the case, it certainly would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the monolithic body and reflecting surface of Schuld to include one of the techniques recited by applicant due to the fact that such techniques are well known and commonly used and employed in the mirror art in order to alternatively make a monolithic body and/or reflecting surface.

5. Claims 5 and <sup>7</sup>6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuld in view of Altmann as applied to claims 1-4, 6, 8 and 9 above, and further in view of common knowledge in the art.

Schuld in view of Altmann discloses all of the subject matter claimed, note the above explanation, except for the reflective surface or the flat surface being electrically conducting.

Art Unit: 2872

It is well known to make a surface of a mirror element electrically conducting in the same field of endeavor for the purpose of heating and/or controlling the transmissivity and reflectivity of a mirror assembly.

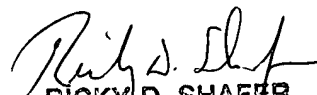
Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the reflecting and/or flat surface of Schuld in view of Altmann to include typical electrically conducting means as is commonly used employed in the mirror art in order to heat and/or control the transmissivity and reflectivity of said rear view mirror.

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the reflective and flat surfaces being electrically conducting and the heating element must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

7. Any inquiry concerning this communication should be directed to R. D. Shafer at telephone number (703) 308-4813.

Shafer/nt *ADS*

10-3-00

  
RICKY D. SHAFER  
PATENT EXAMINER  
ART UNIT ~~2872~~ 2872